REMARKS

Prior to this Reply, Claims 1-45 were pending. Through this Reply, Claims 1, 4, 15, 16, 33, 36 and 39 have been amended. Furthermore, Claims 2, 3, 34, 35, 37, 38, 44 and 45 have been cancelled without prejudice to, or disclaimer of, the subject matter contained therein. In addition, Claim 46 has been added. Accordingly, Claims 1, 4-33, 36, 39-43 and 46 are now at issue in the present case.

I. Claim Rejections

The Examiner rejected Claims 1-6, 11-14, 18-26, 29 and 33-45 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,831,781 to Okamura (hereinafter "Okamura '781") in view of U.S. Patent No. 6,049,440 to Shu (hereinafter "Shu"). Furthermore, the Examiner rejected Claims 7, 8, 15-17 and 30-32 under 35 U.S.C. § 103(a) as being unpatentable over Okamura '781 as modified by Shu (as applied to Claim 3), and further in view of U.S. Patent No. 5,808,825 to Okamura (hereinafter "Okamura '825"). In addition, the Examiner rejected Claims 9 and 27 under 35 U.S.C. § 103(a) as being unpatentable over Okamura '781 as modified by Shu (as applied to Claim 6), further in view of U.S. Patent No. 4,835,757 to Abiko (hereinafter "Abiko"). Finally, the Examiner rejected Claims 10 and 28 under 35 U.S.C. § 103(a) as being unpatentable over Okamura '781 as modified by Shu (as applied to Claim 6), further in view of U.S. Patent No. 6,275,029 to Schaff (hereinafter "Schaff"). It should be observed that Okamura '781 was used as a primary reference in rejecting all of the claims.

In response to the rejections, Applicants have amended independent Claims 1, 33 and 36, by adding the following language: "wherein the block of data is written onto the disk surface regardless of whether the measured amplitude is within the predetermined tolerance." Support

for such limitation can be found, at least, in Fig. 6 and in the text of page 10, line 16 to page 11, line 11. Applicants submit that Okamura '781 does not disclose the above-quoted limitation.

More specifically, Okamura '781 appears to only permit writing of data to the disk surface if the level value CV is within the allowable range. That is, Okamura '781 does not permit writing of data to the disk surface if the level value CV is outside of the allowable range (see, e.g., Col. 7, line 33 to Col. 8, line 25). Instead, the interface controller 13 of Okamura '781 executes write inhibit processing or abnormality alarm processing in accordance with the input of the detection signal FS of the flying height variation (Col. 7, lines 38-41).

Furthermore, Okamura '781 appears to consider it to be advantageous to prevent writing of data when the flying height is out of an allowable range (see, e.g., Col. 2, lines 54-61; Col. 7, lines 50-55; and, Col. 8, lines 10-22). Accordingly, if anything, Okamura '781 teaches away from the claimed invention.

In contrast, Claims 1, 33 and 36 require the block of data to be written onto the disk surface regardless of whether the measured amplitude is within the predetermined tolerance. For at least the above reasons, Applicants submit that Claims 1, 33 and 36 (and the claims that depend therefrom) are patentably distinguishable from Okamura '781.

Applicants believe that the other cited references fail to provide the missing limitation. Therefore, Applicants believe that Claims 1, 33 and 36 (and the claims that depend therefrom) are also patentably distinguishable from all of the cited references.

Applicants submit that Claim 5 is patentably distinguishable from Okamura '781 for other reasons. Specifically, Okamura '781 fails to disclose "re-writing the block of data onto the disk surface in the data sector associated with the AGC field in the first of said plurality of

zones," as required by Claim 5. Applicants do not believe that any re-writing of data is performed by Okamura '781.

Applicants believe that new Claim 46 is patentably distinguishable from the cited references because the cited references fail to disclose the step of "writing the block of data to a different data sector on the disk surface only after a burnishing operation has been performed in connection with attempting to write the block of data" (emphasis added).

II. Additional Claim Fees

In determining whether additional claim fees are due, reference is made to the Fee Calculation Table (below).

Fee Calculation Table

	Claims Remaining After Amendment		Highest Number Previously Paid For	Present Extra	Rate	Additional Fee
Total (37 CFR 1.16(c))	38	Minus	45	= 0	x $18 =	$ 0.00
Independent (37 CFR 1.16(b))	3	Minus	3	= 0	x $86 =	$ 0.00

As set forth in the Fee Calculation Table (above), Applicants previously paid claim fees for forty-five (45) total claims and for three (3) independent claims. Accordingly, Applicants believe that no other fees are due. Nevertheless, the Commissioner is hereby authorized to charge Deposit Account No. 50-2198 for any fee deficiencies associated with filing this paper.

III. Conclusion

It is believed the above comments establish patentability. Applicants do not necessarily accede to the assertions and statements in the Office Action, whether or not expressly addressed.

Applicants believe that the application appears to be in form for allowance. Accordingly, reconsideration and allowance thereof is respectfully requested.

The Examiner is invited to contact the undersigned at the below-listed telephone number regarding any matters relating to the present application.

Respectfully submitted,

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